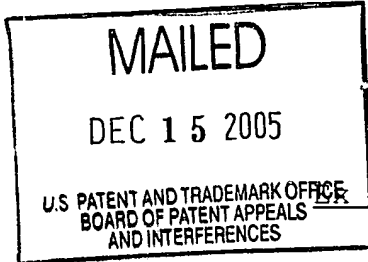


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

parte TETSURO MOTOYAMA and AVERY FONG  
\_\_\_\_\_

Application No. 09/453,937  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on September 26, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On June 8, 2004, the Board mailed an ORDER RETURNING UNDOCKETED TO EXAMINER (hereinafter "Board") wherein the Board ordered the examiner to consider the following Information Disclosure Statements (IDS's):

- IDS filed April 9, 2001 (Paper No. 2)
- IDS filed September 13, 2002 (Paper No. 4)
- IDS filed September 15, 2003 (Paper No. 12)
- IDS filed December 29, 2003 (Paper No. 16)

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In addition, the Board ordered the examiner to notify appellants in writing of consideration of the aforementioned IDS's.

On September 20, 2005, the examiner responded to an IDS submitted on July 23, 2004. However, a review of this application reveals that the examiner has not responded to the Board's Order of June 8, 2004.

Accordingly, it is

ORDERED that the application is returned to the examiner for proper response to the Board's Order mailed on June 8, 2004 by considering the aforementioned IDS's, written notification to appellants of consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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Program and Resource Administrator  
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CRF/clm/lb